

Ajit S. Kharde (Advocate)

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FORMAT – A (Circular No. :- 28/2021)

To,
MahaRERA

LEGAL TITLE REPORT

Sub:- Title clearance certificate with respect to Gat No. 1210 (Old Gat No. 2196), admeasuring area 10400 sq. mtrs. assessed at Rs. 01=30 Ps., situated at Wagholi, Tal. Haveli, Dist. Pune (hereinafter referred as the said property)

I have investigate the title of the said property on the request of Mr. Manik Haribhau Mate and Mr. Vijay Haribhau Mate, having its office at S.No. 11/4, Plot No. 4, New Hill View Top Society, Near Panchvati, Yashwantrao Chavan Nagar, Dhankawadi, Pune 411 043, and following documents i.e.:-

1) Description of the property- All that piece and parcel of the land lying and situate at village Wagholi, Taluka Haveli, District Pune, within the local limits of Grampanchayat Wagholi, Taluka Panchayat Samiti Haveli, Zilla Parishad Pune and PMRDA Pune and presently included within Pune Municipal Corporation and also within the jurisdiction of Sub-Registrar Haveli No. 7 Pune, bearing Gat No. 1210 (Old Gat No. 2196), admeasuring area 10400 sq. mtrs., assessed at Rs. 01=30 Ps. and bounded as follows :-

On or towards EAST	::	By Road towards the Vadjai.
On or towards SOUTH	::	By Gat No. 1219 (Old Gat No. 2205)
On or towards WEST	::	By Gat No. 1212 (Old Gat No. 2198)
On or towards NORTH	::	By Gat No. 1211 (Old Gat No. 2197)

2) The documents of allotment of plot :-

1. Copy of current 7/12 extract.
2. Copy of search and title report issued by Adv. Rajesh C. Datar on 02/06/2009.
3. Copies of search & title reports issued by Adv. Arun C. Lambugol on dated 24/08/2010, 11/10/2012, 07/10/2013, 25/11/2014, 22/03/2017 and on 22/05/2018 respectively.
4. Copies of NA orders dated 07/02/2009, 15/07/2010 and 04/09/2012 respectively.
5. Copy of completion certificate dated 25/04/2013 for Building Nos. D, E and F.
6. Copy of completion certificate dated 03/02/2014 for Building Nos. G and H.
7. Copies of society registration certificates for Kanchanpuram (G) & (H) Co-op. Housing Society Ltd. and Kanchanpuram (E) & (F) Co-op. Housing Society Ltd. and Kanchanpuram (D) Co-op. Housing Society Ltd. respectively.
8. Copy of death certificate of Haribhau Bansi Mate.
9. Copy of death certificate of Kanchan Haribhau Mate.
10. Copy of Release Deed dated 25/12/2020 bearing reg.no. 17041/2020 of Haveli No. 11.
11. Copy of Deed of Declaration of AOP (Association of Persons) executed on dated 09/04/2021.
12. Copy of order dated 27/09/2021 issued by Tahasildar Haveli, Pune.
13. Copy of title report issued by me on 07/04/2022.



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- 3) On perusal of the above-mentioned documents and all other relevant documents relating to title of the said property I am of the opinion that the title of (following owner/promoter/developer/company) is clear, marketable and without any encumbrances.

Owners of the land:-

- 1) 1) Mr. Manik Haribhau Mate and 2) Mr. Vijay Haribhau Mate.
- 2) Gut No. 1210,
- 3) Qualifying comments/remarks if any--- NO

- 4) The report reflecting the flow of the title of 1) Mr. Manik Haribhau Mate and 2) Mr. Vijay Haribhau Mate on the said property is enclosed herewith as annexure.

Encl. : Annexure.

Place : Pune.

Date : 10/12/2022


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FLOW OF THE TITLE OF THE SAID LAND

Sr.No.	Particulars	Remark
1	P.R. CARD AS ON DATE OF APPLICATION FOR REGISTRATION	Yes
2	MUTATION ENTRY NO.	N.A.
3	SEARCH REPORT FOR 30 YEARS FROM 2018 TO 2022 TAKEN FROM SUB-REGISTRAR OFFICE AT HAVELI NO. 1 TO 27 RESPECTIVELY (PUNE)	Yes

After going through the copy of current 7/12 extract of the said land, it shows that presently the said land is owned, occupied, possessed and recorded in the names of 1) Mr. Manik Haribhau Mate and 2) Mr. Vijay Haribhau Mate.

It appears from the search and title report issued by Adv. Rajesh C. Datar on 02/06/2009 that initially certificate of title was issued by Adv. Nitin Shantilal Shetiya on 05/05/2008 and further it appears that originally the said land was owned and possessed by Shankar Bala Satav, Gangadhar Shankar Satav, Balu Shankar Satav and Ashok Shankar Satav.

It is revealed from the record that Shankar Bala Satav and Gangadhar Shankar Satav had executed an agreement to sell as a Karta of Hindu Joint Family for his family necessities on 8th June 1973 in favour of Haribhau Bansi Mate.

It is revealed from the record that Shankar Bala Satav was avoiding to execute sale deed in favour of Haribhau B. Mate and hence Shri. Haribhau B. Mate was constrained to file a suit for specific performance.

It is revealed from the record that Hon'ble Jt. Civil Judge J.D.Pune passed an order and compelled Shankar Bala Satav as a Karta of Hindu Joint Family to execute sale deed in favour of Haribhau B. Mate.

It is revealed from the record that Shankar Bala Satav as Karta of Hindu Joint Family executed Sale Deed as per the Court Order dated 10th October 1979 before Joint Sub-Registrar Haveli I at Sr.No. 2961/1979 and gave the actual physical possession to Shri. Haribhau B. Mate.

It is revealed from the record that the name of Haribhau B. Mate was entered in record of rights of Gat No. 1210, Wagholi, Tal. Haveli, Dist. Pune.

It is revealed from the record that the said land is held to be non vacant or non surplus by the competent authority u/s. 8(4) of Urban Land (Ceiling & Regulation) Act, 1976.

It is revealed from the record that the said land is in residential zone as per the Zone Certificate dated 28/04/2008 issued by the office of the Joint Director, Town Planning, Pune Branch, Pune;

It is revealed that the Town Planning Authority under the Maharashtra Regional and Town Planning Act, 1966, approved and sanctioned plans for construction of buildings on the said land/property vide No. Layout/NABP/Mouje Wagholi/Tal.Haveli/G.No.1210/SSPU/5396 dated



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27/11/2008 and subsequently revised under no. Layout/NABP/Mouje Wagholi/Tal.Haveli/G.No.1210/SSPU/1704 dated 31/05/2010. The said revised layout is again revised and sanctioned under no. 1210/SSM/3033 dated 14/06/2012 by ADTP Pune whereby prepared layout cum building layout comprising of Building Nos. (G) & (H), (D), (E) & (F) and Bungalow, internal roads, open spaces, amenity space etc.

It is also revealed from the record that Hon. Collector Pune (Revenue Branch) granted NA Permission for the said land vide its order no. PRH/NA/SR/654/2008 dated 07/02/2009. The said order is revised under No. PMA/NA/SR/37/2010, dated 15/07/2010. Further it is seen that the said NA order is revised vide no. PMH/NA/SR/67/12, dated 04/09/2012 issued by Collector Pune.

On perusal of the documents submitted to me by the applicant, it appears that the developer has obtained completion certificate for building nos. D, E & F respectively from Collectorate Pune vide its Completion Certificate bearing No. 562/2013 dated 25/04/2013 and also obtained completion certificate for building nos. G & H vide completion certificate no. PMA-1/ KAVI/135/2014 dated 03/02/2014.

That the owner has formed society of all the flat holders of buildings (G) & (H) respectively under name and style as KANCHAN PURAM (G) & (H) Co-operative Housing Society Ltd., bearing Reg.No. PNA/PNA(5)/HSG(TC)/15902/2014-15/2014, dated 06/05/2014. Another society of all the flat holders of buildings (E) & (F) respectively has been formed under name and style as KANCHAN PURAM (E) & (F) Co-operative Housing Society Ltd., bearing Reg.No. PNA/PNA(5)/HSG(TC)/14924/2013-14 dated 10/07/2013 and society of flat holders of building (D) has been formed under name and style as KANCHANPURAM (D) Co-operative Housing Society Ltd., bearing Reg.No. PNA/PNA(5)/HSG(TC)/15565/2013-14 dated 06/12/2013. However the present owner/developer has not yet conveyed any of the portion of the said property to the afore said respective societies.

The Owner prepared hospital layout which is duly approved by PMRDA vide its development permission and commencement certificate bearing outward no. DP/BHA 07/2015/Case No. 215/HAV/Branch-1/Mouje Wagholi/Gut No. 1210/16-17 dated 20/06/2016 on the amenity space area admeasuring 1530 sq.mtrs. which is retained by the Owner/Developer.

It appears from M.E.No. 14820 that Haribhau Bansi Mate died intestate on 21/09/2020 and his wife Kanchan Haribhau Mate died intestate on 17/12/2015, both leaving behind them, their legal heirs namely 1) Mr. Manik Haribhau Mate (son), 2) Mr. Vijay Haribhau Mate (son) and 3) Mrs. Vaishali Sameer Vandre (married daughter).

It appears from M.E.No. 15194 that Vaishali Sameer Vandre released, relinquished and surrendered her proportionate undivided share, right, title, interest and claim over the said land in favour of her brothers namely 1) Mr. Manik Haribhau Mate and 2) Mr. Vijay Haribhau Mate by release deed dated 25/12/2020 registered in the office of Sub-Registrar Haveli No. 11 at Serial No. 17041/2020 and as such her name has been deleted from record of rights.



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As such 1) Mr. Manik Haribhau Mate and 2) Mr. Vijay Haribhau Mate became the joint owners of the said land and their names appear in record of rights as owner of the said land

It appears that previously the said land has been developed and constructed by M/s. Balaji Hari Developers, a proprietary firm through its then proprietor Mr. Haribhau Bansi Mate. After the demise of Late Haribhau Bansi Mate, the present owners namely 1) Mr. Manik and 2) Mr. Vijay Haribhau Mate decided to develop and construct the remaining 2 proposed wings and amenity space which are yet to be commenced under AOP and as such formed Association of Persons under name and style as Balaji Hari Developers AOP. Accordingly the present owners executed Deed of Declaration of AOP (Association of Persons) on 15/04/2021 which is duly adjudicated by Collector of Stamps, Pune on 19/04/2021 vide Case No. Adj.75/2021. In my opinion, the said AOP is required to be registered before Sub-Registrar as per the provisions of Registration Act.

It appears from M.E No. 10988 that the charge of Rs. 42,44,832/- being three times of current market rate penalty towards illegal excavation of minerals, has been kept in other right column of 7/12 extract as per the order of Tahsildar Haveli dated 20/11/2012. However it is seen from the documents submitted to me by the present owners that the present owners preferred appeal against the order dated 20/12/2012 of Tahsildar Haveli before SDO Haveli vide no. RTS/Appeal/46/2013 in which order dated 20/12/2012 was squashed and ordered the appellant to deposit royalty of Rs. 7,20,000/- and 1 time penalty of Rs. 11,70,000/- and TDS amount of Rs. 14,832/- all together total amount of Rs. 19,04,832/- in the government treasury.

Further the present owners preferred appeal against the order of SDO Haveli before Addl. Collector Pune vide no. RTS/2/Appeal/469/2013 wherein the order of Tahsildar was squashed and remanded the case to Tahsildar Haveli for re-enquiry. Accordingly Tahsildar Haveli vide its order dated 27/09/2021 no. Gaunkhanij/SR/287/2012 directed the present owners to deposit royalty of Rs. 79,800/-, TDS of Rs. 1596 and penalty of Rs. 1,29,675/- i.e. all together total amount of Rs. 2,11,071/- only within seven working days from the date of said order in government treasury. Accordingly the present owners have deposited the aforesaid amount and received acknowledgement thereto. But the charge from other right column of 7/12 extract still appears which is required to be deleted.

I have conducted e-search in respect of the captioned property for a period of 05 years i.e. from 2018 to 2022 (both inclusive) at the concerned offices of the Sub-Registrar Haveli respectively by paying requisite charges. During my search, except for the aforesaid, I did not found any other transaction. This title opinion is issued on the strength of information received from the queries, documents made available to me and the search conducted at the relevant Sub-Registrar Offices. Except for the transactions referred to above, I have noticed no transaction on perusal of the aforesaid documents.

Therefore, relying upon the documents and papers and information given by the applicants and subject to whatever stated above, I am of the opinion that subject to the rights of Kanchanpuram (E) & (F) Co-op. Housing Society Ltd., Kanchanpuram (G) & (H) Co-op. Housing Society Ltd., and Kanchanpuram (D) Co-op. Housing Society Ltd., and subject to registration of Declaration Deed of AOP executed on dated 15/04/2021, the said property is free from the encumbrances and/or charges of whatsoever in nature and the present owners viz. 1) Mr. Manik Haribhau Mate and 2) Mr. Vijay Haribhau



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Mate are having good, clean and marketable title to the same and are entitled to develop and construct the proposed wings subject to approval/sanctions from Pune Municipal Corporation/PMRDA Pune and bound to adhere the provisions of RERA Act.

The documents submitted to me are returned herewith.

4	ANY OTHER RELEVANT TITLE	N.A.
5	LITIGATION IF ANY	N.A.

Place : Pune.

Date : 10/12/2022


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